

REMARKS

Claims 1-23 are pending in the application. Claims 1, 12 and 23 are independent, and have been amended herein.

Rejections Under 35 U.S.C. § 102(b)

In the Office Action, claims 1-3, 5-10, 12-14, 16-21 and 23 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,236,972 (Shkedy).

"[F]or anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly." MPEP § 706.02(V).

Claim 1, as amended, is not anticipated by Shkedy at least because claim 1 recites a "computer system for crediting charges to entities in a business organization, the entities creating derivatives exposure, comprising ...an input component for receiving reserve information associated with a derivative," and a component "that uses the inputted reserve information to generate billing information for an entity creating the derivative exposure." As is described in the specification of the present application at page 5, lines 7-8, "once a derivative trade is executed, the relative risk of the trade ... can be assessed, and an amount of risk-related reserve determined." The claimed invention then "uses the inputted reserve information to generate billing information for an entity creating the derivative exposure."

On the other hand, Shkedy describes a computerized trading platform. Shkedy does not describe "receiving reserve information associated with a derivative," nor using the "reserve

information to generate billing information for an entity creating the derivative exposure," as recited by claim 1 of the present application. Shkedy merely describes that derivatives could be traded if a "buyer or seller selects the particular derivative the customer wishes to trade." (Shkedy at column 20, lines 55-57 and figures 5 and 7). The computerized trading platform of Shkedy does not describe the "receiving reserve information associated with a derivative," nor using the "reserve information to generate billing information for an entity creating the derivative exposure," as recited by claim 1 of the present application.

Thus, at least because Shkedy does not describe, teach or suggest "receiving reserve information associated with a derivative," nor using the "reserve information to generate billing information for an entity creating the derivative exposure," as recited by claim 1 of the present application, Shkedy does not anticipate claim 1.

Independent claims 12 and 23, while differing in form and scope from claim 1, comprise features similar to those of claim 1 and are therefore not anticipated by Shkedy for at least the reasons discussed above with respect to claim 1.

Each of claims 2, 3, 5-10, 13, 14, and 16-21 ultimately depend from one of claims 1 and 12, and are therefore not anticipated by Shkedy for at least the reason discussed above with respect to claims 1 and 12.

Accordingly, applicants respectfully submit that claims 1-3, 5-10, 12-14, 16-21 and 23 are in condition for allowance and request withdrawal of the rejections to those claims under 35 U.S.C. § 102(b).

Rejections Under 35 U.S.C. § 103(a)

In the Office Action, claims 4, 11, 15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shkedy in view of U.S. Patent No. 6,336,103 (Baker).

"To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." MPEP § 706.02(j).

Claims 4 and 11 depend from claim 1 and claims 15 and 22 depend from claim 12 and are therefore not anticipated by or obvious in view of Shkedy for at least the reasons discussed above with respect to claim 1.

Baker does not cure the deficiencies of Shkedy. Baker describes applying statistical methods to a stock portfolio to determine the "differences between the assets of the portfolio and the future liabilities as represented by the standard asset return over time." (Baker at column 6, lines 2-4). Baker does not teach, suggest, or make obvious, either alone, or in combination with Shkedy, at least "receiving reserve information associated with a derivative," nor using the "reserve information to generate billing information for an entity creating the derivative exposure," as recited by claim 1. Nor does Baker teach, suggest, or make obvious, either alone, or in combination with Shkedy, at least "receiving reserve information associated with a derivative," "identifying an entity creating the derivative exposure," and "generating billing information for the entity creating the derivative exposure," as recited by claim 12 of the present application.

Accordingly, applicants respectfully submit that claims 4, 11, 15 and 22 are in condition for allowance and request withdrawal of the rejections to those claims under 35 U.S.C. § 103(a).

In view of the foregoing, it is respectfully submitted that the currently-pending claims are in condition for allowance and favorable consideration is earnestly solicited.

Respectfully submitted,

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